

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	Criminal No. 13-10024-RWZ
MARK J. ZIMNY)	
)	
Defendant.)	
)	

**DEFENDANT MARK J. ZIMNY'S MOTION IN LIMINE TO EXCLUDE THE
GOVERNMENT'S TRIAL EXHIBITS NUMBERED 301 TO 314A**

COMES NOW Defendant Mark J. Zimny, by and through his undersigned counsel, and for his Motion In Limine to Exclude the Government's trial exhibits numbers as Exhibits 301 through 314A pursuant to Federal Rules of Evidence 401, 402 and 403, states the following:

ARGUMENT

The Court should preclude the Government from admitting trial exhibits numbered 301 to 314A. *See* Fed. R. Evid. 401 and 402. The Defendant does not contest to the foundation or veracity of same. The parties have already stipulated to the veracity and foundation of Exhibits 301 to 314A. The contents of same are expected to be fully flushed out by the Government's main witnesses. Any further detail is redundant, cumulative and a waste of time. *See* Fed. R. Evid. 403 (excluding relevant evidence for concern of wasting time and "needless presentation of cumulative evidence").

Furthermore, the Government's Exhibits 301 to 314A contain small excerpts of deposition testimony of the Defendant which are presented in a non-contextual and confusing manner. The non-contextual, and confusing, presentation of testimony destroys the any relevance they might provide within the whole context. Thus, to ensure only relevant evidence

comes before the jury, prevent wasting time and needless presentation of cumulative and confusing evidence, this Court should exclude the Government's trial exhibits numbered 301 to 314A.

Granting Defendant's Motion will not prejudice the Government and furthers the interests of justice, while denying Defendant's Motion would be extremely prejudicial.

CONCLUSION

WHEREFORE, Defendant hereby moves this Court to enter an Order excluding the trial exhibits of the Government numbered 301 through 314A.

Respectfully submitted,

MARK J. ZIMNY

By his attorney,

/s/ Kevin J. Reddington
Kevin J. Reddington, BBO 414160
1342 Belmont Street, Suite 203
Brockton, MA 02301
(508) 583-4280
(508) 588-2174 (fax)

Co-Counsel

/s/ Richard J. Annen [Pro Hac Vice]
Richard J. Annen, SBN 91956
SPARBER ANNEN MORRIS & GABRIEL
501 West Broadway, Suite 1720
San Diego, CA 92101
619) 239-3600
(619) 239-5601 (fax)

/s/ Albert S. Watkins [Pro Hac Vice]
Albert S. Watkins, MBE # 34553
Michael D. Schwade, MBE # 60862
Anthony S. Bretz MBE # 61075
Kodner, Watkins & Kloecker, LC
7800 Forsyth Blvd., Suite 700
St. Louis, Missouri 63105

(314) 727-9111

(314) 314-727-9110

Dated: March 22, 2015

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants on this date.

Dated: March 22, 2015

/s/ Albert S. Watkins [Pro Hac Vice]